



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Monthly Enforcement Report for actions during May 2014

DISTRIBUTED: June 17, 2014

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

#### **Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):**

##### *Air:*

**Red Shield Acquisition LLC, Old Town, Maine.** Red Shield Acquisition LLC (“Red Shield”) violated the terms of its air emission license by exceeding license limits for opacity and High Volume Low Concentration Collection and Control Systems uptime requirements. To resolve the violations, Red Shield paid \$3,675 as a civil monetary penalty.

##### *Land:*

**Michael Koob and Colleen Dutile, Rangeley, Maine.** Michael Koob (“Koob”) and Colleen Dutile (“Dutile”) violated Maine’s *Natural Resources Protection Act* by: constructing, or causing to be constructed, permanent structures in, on, over, and adjacent to a river, stream or brook; dredging, or causing to be dredged, and removing and displacing, or causing to be removed and displaced, soil, sand, and other materials, in and adjacent to a river stream or brook; placing, or causing to be placed, fill material in and adjacent to a river, stream or brook; removing, or causing to be removed, vegetation in a freshwater wetland and adjacent to a river, stream or brook; dredging, or causing to be dredged, and removing and displacing, or causing to be removed and displaced, soil or other materials in a freshwater wetland; placing, or causing to be placed, fill material in a freshwater wetland; and constructing, or causing to be constructed, a permanent structure adjacent to a river, stream or brook, all without first obtaining a permit from the Department. In addition, Koob and Dutile violated Maine’s *Protection and Improvement of Waters* law by discharging a pollutant, namely soil, to waters of the state without first obtaining a permit from the Department. Department inspection documented that a dam and spillway had been constructed in and adjacent to a brook and the brook had been dredged to create an impoundment or pond blocking fish passage between Ellis Pond and Rangeley Lake. In addition, two roads had been constructed around the perimeter of the pond. One road was an access way to a cleared area in freshwater wetlands; the second road was an access way to a stone patio adjacent to the pond. Vegetation had been removed and a ditch had been dredged in the freshwater wetland. Ditch spoils were observed in the freshwater wetland. To resolve the violations, Koob and Dutile agreed to submit a restoration plan to the Department to restore the affected areas to their pre-existing natural condition and will pay \$11,661 as a civil monetary penalty, according to a payment plan.



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**Scorpio Island Corporation, Chebeague Island, Maine.** Scorpio Island Corporation (“Scorpio”) violated Maine’s *Natural Resources Protection Act* by: constructing, or causing to be constructed, a permanent structure, namely a patio, adjacent to a coastal wetland; placing fill, or causing fill to be placed, in and adjacent to a coastal wetland; and displacing soil, or causing soil to be displaced, adjacent to a coastal wetland, without first obtaining a permit from the Department. In addition, Scorpio violated Maine’s *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Department inspections documented that riprap was placed adjacent to a coastal wetland and immediately adjacent to the riprap soil material was displaced and fill material was placed to construct a road within thirty feet of the coastal wetland. Inspections also documented that a 1,044 square-foot patio was constructed approximately thirty feet from the coastal wetland. At the time of the Department’s inspections, no erosion controls were installed on the site. Subsequent to Department involvement, Scorpio submitted, and the Department approved, a restoration plan to completely restore the altered areas and implemented the plan. To resolve the violations, Scorpio paid \$4,573 as a civil monetary penalty and agreed to replace vegetation in the restored areas with similar plants until a 90% survival rate is achieved.

**District Court Enforcement Resolutions (party followed by location):**

*Land:*

**State of Maine, Department of Environmental Protection v. Richard Lary, Clinton, Maine.** Richard Lary (“Lary”) violated Maine’s *Natural Resources Protection Act* by performing, or causing to be performed, filling or displacing soil or other materials and constructing a permanent structure in and adjacent to a stream and in a wetland, without first obtaining a permit from the Department. In addition, Lary violated Maine’s *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, filling, displacing or exposing soil without implementing sufficient erosion controls to prevent erosion beyond the project site or into a protected natural resource. Further, Lary violated Maine’s *Protection and Improvement of Waters* law by directly or indirectly discharging or causing to be discharged, a pollutant, namely soil, to waters of the state without first obtaining a permit from the Department. A Department inspection documented two earthen berms had been constructed, one adjacent to a stream and the other in a wetland and the stream, on a property owned by Lary. At the time of the Department inspection, no erosion and sedimentation controls were found on site. Sediment had eroded from one of the berms into the wetland. In a Consent Decree and Order entered into by the parties, and approved by the court, Lary agreed to apply for a *Natural Resources Protection Act* permit



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for one of the berms, or submit a restoration plan to remove the berm and implement the plan, and to remove the second berm. In addition, Lary agreed to pay \$7,350 as a civil monetary penalty, of which \$3,675 will be paid according to a payment schedule, and \$3,675 is suspended and permanently waived if Lary complies with all provisions of the Decree.